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OLC 77-423713

13 MAR 1978

Honorable Samuel L. Devine
House of Representatives
Washington, D.C. 20515

Dear Mr. Devine:

This is in response to your letter of 29 September 1977 requesting information regarding the burden that the Freedom of Information Act has placed on the Central Intelligence Agency.

As outlined in the prepared public testimony given by Mr. John F. Blake before Senator James Abourezk's Judiciary Subcommittee on Administrative Practice and Procedure, a copy of which was provided in our earlier letter of 8 October, the 1974 amendments to the Freedom of Information Act, and the public interest in them and exploitation of the possibilities they create, have required an exceptionally difficult redirection of the efforts of the Agency and a serious dislocation of its resources. During the calendar year 1977, we received about 93 requests each week, including Privacy Act and E.O. 11652 requests, many of which require a review of thousands of pages of documents. We currently have a backlog of approximately 2,600 requests and 260 appeals, in spite of the expenditure of the equivalent in man-hours of 109 fully employed personnel to this problem alone. Since the costs of this activity are not accounted for as a single programmatic line item in the Federal budget for the entire Government, overall costs cannot be certainly measured against benefits; and congressional action on the matter cannot accurately reflect that sort of cost-benefit relationship that might help the Congress in its decision-making processes. It is certainly significant, however, that last year this effort resulted in the expenditure of \$2,161,000 in Agency salaries alone, whereas we collected only \$16,439 in fees.

The amended Freedom of Information Act is seriously affecting the operations of this Agency. A number of foreign intelligence services with which we work have expressed serious concern as to whether the Agency can protect their

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secrets. Sensitive sources fear possible disclosure of their identity. Further, if the demands continue at the current rate, the drain on our manpower will be such that the Agency will find it difficult to effectively carry out certain of its statutory responsibilities to the President and the National Security Council and indeed its responsibilities to the Congress.

I would strongly favor review of this Act by a responsible congressional body to see if amendments can be made to the Act which would provide broader exemptions for intelligence material. If this is not possible, I would like to see if the following changes could be made in the Act:

- a. Provision that the benefits of the Freedom of Information Act, like those of the Privacy Act, be available to U.S. citizens and permanent resident aliens only. We have noticed an increase in requests by foreign organizations as they become aware of the provisions of the Act, and I am concerned that at some point in the future we could find the CIA becoming a world information bureau at the expense of the U.S. taxpayer.
- b. Change of the mandatory response time on initial processing of requests from the present 10 working days to 30 calendar days, plus an additional week for every 100 pages, or fraction thereof, of material requiring a review. At the same time, change the mandatory response time on appeals from the present 20 working days to 60 calendar days, plus two additional weeks for every 100 pages, or fraction thereof, requiring a second review.
- c. Permit the agency to charge requesters for review time, as well as search time.
- d. Most important, limit requests to one specific subject of manageable proportions rather than permitting blanket omnibus-type requests which cover a variety of topics.

We appreciate your concern for this matter. I would be pleased to provide you with any additional information you may need in your review.

The above comments reflect the Agency's concerns on the implication of the Freedom of Information Act. However, they do not necessarily represent the position of the Administration.

Yours sincerely,

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STANSFIELD TURNER

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